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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,543	11/26/2003	Toshitaka Hasegawa	1095.1291	5700

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

ROBINSON, GRETA LEE

ART UNIT	PAPER NUMBER
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2168

MAIL DATE	DELIVERY MODE
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06/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/721,543

Applicant(s)

HASEGAWA ET AL.

Examiner

Greta L. Robinson

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-7 and 9-17 are pending in the present application.
2. Claim 8 has been cancelled. Claims 1, 3, 6, 15 and 16 have been amended.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 3 and 6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 3 and 6 have been amended to include the limitation "only retrieves log records that match" [see: claim 3 lines 3-4; and claim 6 lines 4-6]; however there is not support for this limitation in the disclosure. The added limitation is new matter.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 3 and 6 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: steps taken by the system if the retrieved log records *do not* match the search conditions specified by the second client.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2168

8. Claims 1, 4, 5, 7 and 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kihl et al. US Patent 6,222,536 B1 in view of Lomet et al. US Patent 6,182,086 B1.

Regarding claim 1, **Kihl et al.** teaches a program product that helps service processors receive instructions from an operator [note: relay server system for use in an on-line banking system col. 1 line 55 through col. 2 line 10], the program product causing a computer system to perform a process comprising the steps of:

(a) upon issuance of an inquiry from a service process to the operator, storing the inquiry to the operator in an inquiry buffer [note: in the inquiry message generating process, the inquiry message generation block 41 initializes an inquiry buffer, e.g., the temporal storage block 43 col. 6 lines 35-52; Figure 4 (43) TEMPORAL STORAGE BLOCK (i.e. inquiry buffer)];

(b) in response to a first delivery request from a first client, retrieving the inquiry pending in the inquiry buffer and sending the retrieved inquiry to the first client over the network [note: abstract "request processing unit for analyzing input request message to generate a corresponding handling process based on the analyzed request type"; REQUEST PROCESSING UNIT (22) Figure 2; also see col. 4 lines 28-33];

(c) upon receipt of a reply from the first client, forwarding the received reply to the service process, as well as storing the received reply and corresponding inquiry as a log record in a log memory [note: col. 2 lines 36-43; col. 7 lines 4-18 response message analyzer 47 analyzes the response message name ... field data designated as save on the process control information is stored in temporal storage block 43, and then the extracted response data is relayed to the response format conversion block].

Although Kihl et al teaches the invention substantially as cited above they do not explicitly teach retrieving and sending log records. Lomet et al. teaches during request/reply interactions capturing or recording the information in a log buffer and committing the reply record to a stable log before the reply is sent back to the client [note: abstract; Figures 2-4 and 7]. Lomet also provides for the limitation: "(d) in response to a second delivery request from a second client on the network, consulting the log memory to retrieve log records of past replies that were made to inquiries" [note: Lomet, teaches during request/reply interactions capturing or recording the information in a log buffer and committing the reply record to a stable log before the reply is sent back to the client abstract; Figures 3-4 and 7]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Lomet et al. with Kihl et al. because logging records would provide a means of backup if the system were to crash.

9. Regarding claims 4, 5, 7, and 9-13:

(claims 4 and 5) "the second delivery request form the second client requests delivery of a message log record ... reply log record" [note: Kihl et al. teaches a request processing unit 22 for handling process and session management 23 col. 4 line25 through col. 5 line 7].

(claim 7) wherein the inquiries sent at said inquiry sending step (b) include a list of possible answers [note: Kihl et al., Figure 4 (47) and (46); col. 7 lines 27-32].

(Claims 9-11) notifying the service process of cancellation [note: Kihl et al. *Session End Time* Figure 6 step 209 Terminate Process and 208 Initialize Timer; also note Lomet, Figure 8 step 142 Notice of Application Termination].

(Claims 12 and 13) further comprising the step of dispatching a command upon receipt of the reply to the pending inquiry [note: Kihl et al. Figure 7 step (311); col. 6 lines 5-16].

10. The limitations of claims 14-17 parallel claim 1; therefore they are rejected under the same rationale.

11. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kihl et al. US Patent 6,222,536 B1 in view of Lomet et al. US Patent 6,182,086 B1 and Nakagawa et al. US Patent 5,835,911.

Although Kihl et al. and Lomet et al. teach the invention substantially as cited above, they do not explicitly disclose first and second clients are implemented on a single computer platform. However Nakagawa et al. teaches a network over which inquiries may be transmitted that may be configured or implemented various ways [see: Figure 5 step (S12); col. 23 lines 42-49; col. 25 lines 29-32 various settings can be easily and properly be defined for respective users; col. 58 lines 39-43 various ways of operation]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Nakagawa et al. with the cited references because Nakagawa et al. further

Art Unit: 2168

shows how inquiry interaction within the network may be customized for certain users within the network.

Response to Arguments

12. Applicant's arguments filed March 16, 2007 have been fully considered but they are not persuasive.

In the response Applicant argued the following:

Argument: Claims 3 and 6 were rejected under 35 USC 112 as being incomplete for omitting essential elements, such omission amounting to a gap between elements. Applicant states claims 3 and 6 have been amended; therefor withdrawal of the rejection is requested.

Response: Applicant's amendment adding the limitation "only" is new matter. Note newly cited rejection under 35 USC 112 first paragraph. The disclosure does not appear to describe or teach "only retrieves log records". Also, such amendment does not address operational steps needed to clarify how the matching is implemented.

Argument: Kilhl does not disclose consulting a log memory, much less consulting a log memory to retrieve log records of past replies to inquiries about the same subject as new pending inquiry. Lomet discloses a log file, however the log file of Lomet is simply used in assisting to recover the client-side application when the system crashes.

Applicant states the log file of Lomet is simply used to capture client-server interactions.

Response: Lomet does not teach that the log is *simply* used to capture client-side interactions; but rather that the log can be used to store operations as required by an imposed application. The log record is generated for each write operation on database objects and each reply message, see column 10 lines 35-50, column 11 lines 55-61, and Figure 4 log (96) inside memory (78). Lomet, teaches during request/reply interactions capturing or recording the information in a log buffer and committing the reply record to a stable log before the reply is sent back to the client; this provision implies consulting a log record note abstract; Figures 3-4 and 7.

Argument: Applicant states claim 2 is patentable via independent claim 1, stating Nakagawa et al adds nothing of relevance to the combination of Kihl and Lomet.

Response: In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Nakagawa et al. teaches a network over which inquiries may be transmitted that may be configured or implemented various ways Nakagawa et al. was combined with the cited references because Nakagawa et al. further shows how inquiry interaction within the network may be customized for certain users within the network.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fukasawa et al. US Patent 6,564,245 B1

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571)272-4118. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



GRETA ROBINSON
PRIMARY EXAMINER

Greta Robinson
Primary Examiner
June 08, 2007